

Raising concerns and complaints procedure

Resolving issues quickly

If at any point you become unhappy or concerned about the service we have provided, please let us know so that we can do our best to resolve the problem quickly.

In the first instance it may be helpful to contact the person who is working with you to discuss your concerns.

If you would like to make a formal complaint, please see our full complaints procedure which is set out below. The complaints procedure is the same for mediation and legal work. If we cannot resolve your complaint using our complaints procedure there are other options. These are different for mediation and legal work because family solicitors and mediators are regulated differently.

As accredited mediators Emma Ries, Monika Pirani and Judith Macdonald-Lawson are regulated by Family Mediation Council (FMC). As family solicitors Emma Ries and Monika Pirani are regulated by Resolution, the Legal Ombudsman and Solicitors Regulation Authority (SRA).

Making a complaint

When a problem arises or something goes wrong, we need you to let us know as soon as possible. This gives us the opportunity to investigate your concerns objectively, address the issues you have raised and to try to satisfy your concerns. It also helps us to improve our standards. Making a complaint will not affect how we handle your case.

Quick resolution

1. In the first instance, you will probably find it helpful to discuss your concerns with the person dealing with your matter. They will acknowledge receipt of your complaint as soon as possible, and no more than 10 working days after it has been received. They will look into your complaint, and may need to ask you for further clarification about your concerns if they need further information.
2. It may be possible to offer a solution to resolve your concerns quickly. The type of solution offered and the way it is proposed will depend on the individual circumstances. If appropriate, you will receive a detailed reply to your concerns or be offered a meeting. When addressing your complaint in this way, we will aim to provide you with a substantive reply or proposals within 28 days of receiving the necessary details of your concerns. If further time is required, you will be notified in writing.

Independent review

3. If a quick resolution is not possible, you may ask for a formal review, in which case the matter will be referred to a professional colleague who is not dealing with your day-to-day work for an independent review.

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4. The independent review colleague will acknowledge your complaint in writing (usually by email if that is your preferred mode of contact) within five working days of receiving details of your complaint.
5. The independent review colleague will arrange for an investigation and will endeavour to write to you with a full response within 28 days of your complaint being referred to them. That response will summarise the findings of the investigation, the firm's conclusions on your complaint and the solution proposed.
6. If it is not possible to issue a detailed response within 28 days, we will update you on the progress of the investigation and provide an estimate of the likely time frame for issuing a final response.
7. If the independent review colleague considers that your concerns would be better addressed other than by detailed response in writing, they will write to you and let you know how they proposes to resolve the complaint. For instance, they may suggest a meeting with you to discuss your concerns. They may also offer the option of mediation to resolve your complaint.
8. You will not be charged for the handling of your complaint.

Who to contact to make a complaint

In the first instance, you will probably find it helpful to discuss your concerns with the person dealing with your matter.

As part of the formal complaints process you can also request a formal review from an independent review colleague, this will be either Emma Ries or Monika Pirani.

Please see full contact details below.

Independent Review Colleagues

Emma Ries

Email: er@familysolutions.uk

Call: +44 (0)20 3397 0499

Mobile: +44 (0)7963648955

Monika Pirani

Email: mp@familysolutions.uk

Call: +44 (0)20 3397 0499

Mobile: +44 (0)7811684100

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Mediation complaints

Who can make a mediation complaint?

You may make a complaint if you are:

- a client or former client;
- a prospective client who has been directly affected by a mediator's professional behaviour;
- a person who has been invited to participate in a mediation process.

What can a mediation complaint cover?

You may make a complaint if it relates to breaches of FMC's professional standards.

Complaints about common steps taken by mediators that will not be investigated include:

- making contact with a potential participant;
- signing court forms to say one person has attended a Mediation Information and Assessment Meeting (MIAM) without notifying a potential second mediation participant or inviting them to attend MIAM themselves.

Complaints about these issues do not need to be investigated because they are steps mediators need to take as part of their role.

Complaints that appear to be vexatious or of a purely personal nature do not have to be investigated.

Complaints can be considered vexatious when:

- the purpose appears to be to intimidate, disturb, disrupt and/or unduly or unfairly pressurise the mediator;
- they are persistent/repetitive, and repeating the same or substantially similar complaints which have already been investigated;
- they are clearly unfounded and unsupported by evidence;
- they are irrelevant and relate to matters other than mediation;
- abusive or offensive language is used.

Complaints can be considered of a purely personal nature if they are discriminatory or focus on the personal attributes or circumstances of a mediator rather than their actions as a mediator.

When can you make a complaint about mediation?

You can make a complaint that relates to breaches of the FMC's Codes of Practice or Standards Framework that occurred within the last three months. For complaints that relate to the way a mediation was conducted as a whole, the three months starts from the date of the last mediation session.

Confidentiality and third parties

Please note that mediators will not be able to disclose any information to third parties that is confidential between the mediator and the mediation participant(s). This means a third party may only receive a limited amount of information in response to their complaint.

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Next steps if we cannot resolve your complaint

What to do if we cannot resolve your complaint about mediation work

The Family Mediation Standards Board (FMSB) operates a complaints and disciplinary appeals process on behalf of the FMC.

You may complain to the FMSB if you have exhausted an FMC Registered Mediator's own complaints process in the last three months. You may also complain to the FMSB if you have made a complaint to an FMC Registered Mediator and they are not responding to the complaint.

You can ask the FMSB to consider the complaint if certain criteria are met.

You may make a complaint to FMSB if:

- you are a client or former client of the mediator concerned;
- you are a prospective client who has been directly affected by a mediator's professional behaviour;
- you are a person who has been invited to participate in a mediation process, for example another professional who attends a mediation.

You may make a complaint to FMSB if it relates to breaches of FMC's professional standards. These standards are set out in the FMC's Codes of Practice and Manual of Professional Standards and Self-Regulatory Framework.

Please see below for details of FMC and FMSB and how to contact them.

What to do if we cannot resolve your complaint about legal work

If we are unable to resolve your complaint, Resolution, Legal Ombudsman and SRA may be able to help.

Resolution can take complaints about breaches of the Code of Practice by their members.

You can ask the Legal Ombudsman to consider your complaint if we are unable to resolve it to your satisfaction within eight weeks of receiving full details of your complaint.

The SRA will help in limited circumstances.

Please see below for details of Resolution, Legal Ombudsman and SRA, as well as how to contact them.

Complaints about legal costs

Please also use the complaints procedure above if you have a concern or complaint about legal costs.

In addition, you have the right to object to a bill by applying to the court for an assessment of the bill under Part III of the Solicitors Act 1974. If you apply to the court, the Legal Ombudsman may decide not to deal with a complaint about the bill.

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The Legal Ombudsman

The Legal Ombudsman can help you if we are unable to resolve your complaint ourselves. They will look at your complaint independently and it will not affect how we handle your case.

The Legal Ombudsman is an independent complaints body which was established under the Legal Services Act 2007 and deals with legal services complaints. The Legal Ombudsman could help you if you are unhappy about the work your solicitor did for you or your bill.

Before accepting a complaint for investigation, the Legal Ombudsman will check that you have tried to resolve your complaint with us first. If you have, then normally you should comply with these guidelines to take your complaint to the Legal Ombudsman:

- You must take your complaint to the Legal Ombudsman within six months of receiving a final response to your complaint, **and**
- no more than six years from the date of act/omission; **or**
- no more than three years from when you should reasonably have known there was cause for complaint.

For more information about the Legal Ombudsman, please contact them. Full contact details below.

The Solicitors Regulation Authority

Complaints about poor service should be directed to the Legal Ombudsman.

The Solicitors Regulation Authority can help if you are concerned about our behaviour, conduct or ethics. This could be for things like dishonesty, taking or losing your money or treating you unfairly because of your age, a disability or other characteristic.

Visit the SRA website to see how you can raise your concerns with them. Full contact details below.

Contact Details:

FMC and FMSB – Family Mediation Council and Family Mediation Standards Board

Visit: <https://www.familymediationcouncil.org.uk/us/contact-us/>

Call: 01707 594055 between 9am – 3pm, Monday to Friday.

Full details of the FMC complaints procedure can be found at

<https://www.familymediationcouncil.org.uk/complaints-about-mediators/>

Resolution

Visit: <https://resolution.org.uk/contact-us/>

Call: 020 3841 0300

Full details of the Resolution complaints procedure can be found at <https://resolution.org.uk/contact-us/complaints/>

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Legal Ombudsman

Visit: www.legalombudsman.org.uk

Call: 0300 555 0333 between 9.00 to 17.00.

Email: enquiries@legalombudsman.org.uk

Post: Legal Ombudsman PO Box 6806, Wolverhampton, WV1 9WJ

You may wish to submit your concerns to the Legal Ombudsman via their online form at <https://www.legalombudsman.org.uk/helping-the-public/make-a-complaint/>.

SRA – Solicitors Regulation Authority

Visit: <http://www.sra.org.uk/contactus/>

Call: 0370 606 2555 (or +44(0)121 329 6800) for international callers

Post: Solicitors Regulation Authority, The Cube, 199 Wharf Street, Birmingham, B1 1RN

Full details of how the SRA can help can be found at <https://www.sra.org.uk/consumers/problems/>

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